

are subject to inspection and other applicable requirements of the Plant Safeguard Regulations (part 352 of this chapter).

319.73-4 Costs.

All costs of inspection, packing materials, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart will be borne by the owner, importer, or agent of the owner or importer, including a broker. The services of an inspector during regularly assigned hours of duty and at the usual places of duty will be furnished without cost to the importer.

Subpart—Cut Flowers

QUARANTINE

§319.74 Notice of quarantine.

(a) The Secretary of Agriculture, having given the public hearing required by law and having determined the pest risk involved, forbids the importation of cut flowers into the United States from foreign countries, including those in Europe, Asia, Africa, Australia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), except as provided in the regulations supplemental to this subpart.

(b) This subpart shall not be construed to modify provisions applicable to cut flowers included in special quarantine or other restrictive orders now in force or hereafter promulgated.

(c) As used in this section, the term *United States* means the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

RULES AND REGULATIONS

§319.74-1 Definitions.

For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cut flower*. The highly perishable commodity known in the commercial flower-producing industry as a cut

flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state. This definition shall not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector*. An employee of the U.S. Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

[24 FR 10788, Dec. 29, 1959, as amended at 62 FR 50231, Sept. 25, 1997]

§319.74-2 Regulated articles.

All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

[24 FR 10788, Dec. 29, 1959, as amended at 62 FR 50231, Sept. 25, 1997]

§319.74-3 Conditions governing the entry of cut flowers.

(a) All cut flowers shall be given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide in accordance with a procedure specified in paragraph (c) of this section, except that such fumigation shall not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids, and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess). Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer

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will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infected cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

(c) Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) shall consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

1½ lbs. per 1000 cu. ft. for 2 hours at 80°–90° F.

(19 oz. concentration at first ½ hour)
(12 oz. concentration at 2 hours); or

2 lbs. per 1000 cu. ft. for 2 hours at 70°–79° F.

(24 oz. concentration at first ½ hour)
(16 oz. concentration at 2 hours); or

2½ lbs. per 1000 cu. ft. for 2 hours at 60°–69° F.

(30 oz. concentration at first ½ hour)
(20 oz. concentration at 2 hours); or

3 lbs. per 1000 cu. ft. for 2 hours at 50°–59° F.

(36 oz. concentration at first ½ hour)
(24 oz. concentration at 2 hours); or

3½ lbs. per 1000 cu. ft. for 2 hours at 40°–49° F.

(41 oz. concentration at first ½ hour)
(27 oz. concentration at 2 hours)

NOTE: There is a possibility that some cut flowers could be damaged by such fumigation.

(Secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U.S.C. 159, 162; 7 CFR 2.17, 2.51, and 371.2.; secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U. S. C. 159, 162; 7 CFR 2.17, 2.51, and 371.2(c))

[24 FR 10788, Dec. 29, 1959, as amended at 47 FR 38103, Aug. 30, 1982; 48 FR 16877, Apr. 20, 1983; 48 FR 20403, May 6, 1983; 49 FR 24988, June 19, 1984; 62 FR 50231, Sept. 25, 1997]

§ 319.74–4 Shipments for experimental or scientific purposes.

Cut flowers may be imported for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and restrictions as the Deputy Administrator of the Plant Protection and Quarantine Programs may prescribe.

[24 FR 10788, Dec. 29, 1959. Redesignated at 62 FR 50231, Sept. 25, 1997]

Subpart—Khapra Beetle

§ 319.75 Restrictions on importation of restricted articles; disposal of articles refused importation.

(a) The Secretary has determined that in order to prevent the entry into the United States of khapra beetle (*Trogoderma granarium* Everts) it is necessary to restrict the importation of certain articles from foreign countries and localities. Accordingly, no person shall import any restricted article unless in conformity with all of the applicable restrictions in this subpart.

(b) Any article refused importation for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If such article is not promptly safeguarded, removed from the United States, or abandoned for destruction by the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).